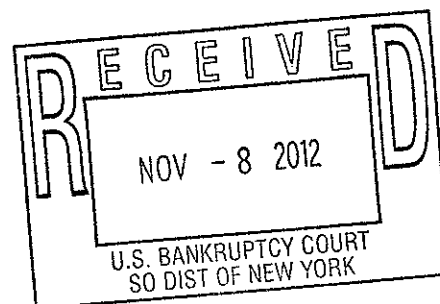


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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

RESIDENTIAL CAPITAL, LLC
a/k/a RESIDENTIAL CAPITAL CORPORATION
1177 Avenue of the Americas
New York, New York 10036
Debtor

Chapter 11
Case No. 12-12020-mg
Joint Administration

RECORD ON APPEAL

Claimant/Creditor/Appellant, Paul N. Papas II, *pro se*, Notices all Parties of this Record
On Appeal in the denial of his Motion To Convert Debtor ResCap/GMAC to Chapter 7.

5/25/2012	0157	<u>Omnibus Objection to Interim Orders of the Honorable James M. Peck in the Above Matter</u> Related Document(s): <u>0080</u>
6/14/2012	0464	<u>Additional Objection and Opposition to Interim Requests in the Above Matter</u>
6/28/2012	0669	<u>Notice of Appearance and Request for Service of Documents by Paul N. Papas II</u>
6/20/2012	0696	<u>Motion for Permission to Electronically File Filed by Paul N. Papas II</u> Related Document(s): <u>0826, 0755</u>
7/12/2012	0755	<u>Letter in Response to Paul N. Papas' Motion for Permission to Electronically File</u> Related Document(s): <u>0826, 0825, 0696</u>

7/16/2012	0825	<u>Letter from Paul Papas to Court Services Department of U.S. Bankruptcy Court, SDNY, Regarding Request to be Permitted to File Electronically</u> Related Document(s): <u>0826, 0755</u>
9/14/2012	1472	<u>Renewed Motion to Convert Debtor to Chapter 7 Bankruptcy</u> Related Document(s): <u>1873, 1731, 1708, 1687, 1607, 1547, 0880</u>
9/21/2012	1547	<u>Memorandum in Support of Motion to Convert Debtor ResCap to Chapter 7</u> Related Document(s): <u>1472</u>
9/26/2012	1605	<u>Opposition and Objection to the Sale or Transfer of Any Debtor ResCap/GMAC Assets</u> Related Document(s): <u>1514</u>
9/21/2012	1607	<u>Notice of Hearing on Renewed Motion to Convert Debtor to Chapter 7 Bankruptcy [Docket No. 1472]; to be Held on October 10, 2012 at 10:00 am</u> Related Document(s): <u>1472</u>
10/1/2012	1687	<u>Debtors' Objection to Renewed Motion of Paul N. Papas II to Convert Debtor to Chapter 7 Bankruptcy</u> Related Document(s): <u>1742, 1472</u>
10/5/2012	1731	<u>Reply to Debtor ResCap/GMAC Opposition to Motion to Convert the Debtor to Chapter 7</u> Related Document(s): <u>1472</u>
10/22/2012	1933	<u>Notice of Appeal and Request for 8005 Stay Pending Appeal</u> Related Document(s): <u>1934</u>
10/22/2012	1934	<u>Notice of Appeal and Request for 8005 Stay Pending Appeal</u> Related Document(s): <u>1933</u>

Dated ~~October~~ 31, 2012


Paul N. Papas II

Certificate Of Service

I have served a copy of this upon; United States Trustee, Tracey Hope Davis, 33 Whitehall Street, 21st Floor, NY, NY 10004; Attorney Larren M. Nashelsky, MORRISON & FOERSTER, LLP, 1290 Avenue of the Americas, NY, NY, 10104 and Attorney Wendy Allison Nova, 210 Second Street NE, Minneapolis, MN 55413. by email and/or by Regular Mail as well as those on the latest notice list.

Dated October 31, 2012


Paul N. Papas II

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

RESIDENTIAL CAPITAL, LLC
a/k/a RESIDENTIAL CAPITAL CORPORATION
1177 Avenue of the Americas
New York, New York 10036
Debtor

Chapter 11
Case No. 12-12020-mg
Joint Administration Pending

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ON APPEAL FROM THE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

RESIDENTIAL CAPITAL, LLC
a/k/a RESIDENTIAL CAPITAL CORPORATION
1177 Avenue of the Americas
New York, New York 10036
Debtor

Case No.

ISSUES ON APPEAL

Claimant/Creditor/Appellant, Paul N. Papas II, *pro se*, Notices all Parties that he is
Appealing the Following Issues with respect to the denial of his Motion To Convert
Debtor ResCap/GMAC to Chapter 7:

:

1. The Claimant/Creditor/Appellant was denied his First, Fourth, Fifth, Ninth, and Fourteenth Amendments Rights when the United States Bankruptcy Court for the Southern District of New York (Bankruptcy Court) denied his Motion To File Electronically as he is not able to respond on short notice to issues affecting him or his claim.

2. The Claimant/Creditor/Appellant was denied his First, Fourth, Fifth, Ninth, and Fourteenth Amendments Rights when the United States Bankruptcy Court for the Southern District of New York (Bankruptcy Court) denied the Claimant/Creditor/Appellant's Motion To Convert the Debtor ResCap/GMAC to Chapter 7 Bankruptcy (**Docketed 1472**), which has a Memorandum in Support (**Docketed 1547**). Not only did the Bankruptcy Court fail to allow the Claimant/Creditor/Appellant sufficient time to complete his Oral Argument by cutting him off, the Bankruptcy Court allowed the Debtor ResCap/GMAC more time to present their opposition, the Bankruptcy Court denied the Claimant/Creditor/Appellant the ability to Object to erroneous and false information presented by Debtor ResCap/GMAC, the Bankruptcy Court denied the Claimant/Creditor/Appellant an opportunity to present a rebuttal argument.

3. The Claimant/Creditor/Appellant was denied his First, Fourth, Fifth, Ninth, and Fourteenth Amendments Rights when the Bankruptcy Court read from the prepared denial of the Claimant/Creditor/Appellant's Motion To Convert the Debtor ResCap/GMAC to Chapter 7 Bankruptcy after stating on the record that Bankruptcy Court had read each filing of the Claimant/Creditor/Appellant which included the long list of Admissions of the Debtor ResCap/GMAC enumerated in the Claimant/Creditor/Appellant's Reply to Debtor ResCap/GMAC's Opposition (**Docketed 1731**).

4. The Claimant/Creditor/Appellant was denied his First, Fourth, Fifth, Ninth, and Fourteenth Amendments Rights when the Bankruptcy Court read from the prepared denial of the Claimant/Creditor/Appellant's Motion To Convert the Debtor ResCap/GMAC to Chapter 7 Bankruptcy and **failed to rule** that the Debtor

ResCap/GMAC did NOT commit Bankruptcy Fraud and did NOT violate the Uniform the Fraudulent Transfer Act and did NOT violate 18 USC 1961, *et seq* which the Debtor ResCap/GMAC admitted to within their Opposition – see Reply at 1731. The Court did state in its prepared denial of the Claimant/Creditor/Appellant's Motion To Convert the Debtor ResCap/GMAC to Chapter 7 that the Claimant/Creditor/Appellant was prohibited from filing any motion the Bankruptcy matter based upon the same information. Therefore, the Claimant/Creditor requests the United States District Court enter a STAY of all proceedings in the Bankruptcy matter during the pendency of the appeal.

5. Debtor ResCap/GMAC is trying to sell or transfer assets that it does not own. Debtor ResCap/GMAC has admitted it does not own the assets it is trying to sell or transfer. The Debtor ResCap/GMAC is awaiting Bankruptcy Court Approval of an October 23, 2012 auction – see Docket number 1960. This auction took place over the Objections of at least this Claimant/Creditor – see Record on Appeal.

6. Debtor ResCap/GMAC has failed to list assets in the Schedules they filed under oath.

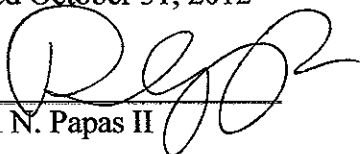
7. Debtor ResCap/GMAC is attempting to expedite the sale or transfer of assets.

8. Debtor ResCap/GMAC is attempting to expedite the sale or transfer of assets to keep any assets it might have out of the reach of Creditors.

9. There can not be an accurate accounting of the Bankruptcy estate of Debtor ResCap/GMAC at this point because of the fraudulent actions of Debtor ResCap/GMAC.

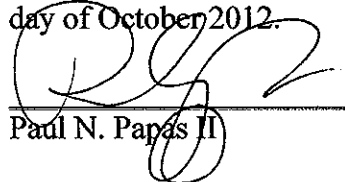
THEREFORE, for the above stated reasons the United States District Court should STAY of all proceedings in the Bankruptcy matter during the pendency of the appeal and reverse the denial of this Claimant/Creditor's Motion to Convert the Debtor ResCap/GMAC to Chapter 7.

Dated October 31, 2012


Paul N. Papas II

Affidavit in Support

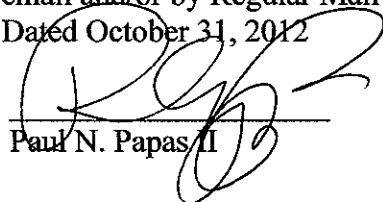
I, Paul N. Papas II, state and depose the above information is true based upon personal observation, knowledge and belief under the pains and penalties of perjury dated this 31st day of October 2012.


Paul N. Papas II

Certificate Of Service

I have served a copy of this upon; United States Trustee, Tracey Hope Davis, 33 Whitehall Street, 21st Floor, NY, NY 10004; Attorney Larren M. Nashelsky, MORRISON & FOERSTER, LLP, 1290 Avenue of the Americas, NY, NY, 10104 and Attorney Wendy Allison Nova, 210 Second Street NE, Minneapolis, MN 55413. by email and/or by Regular Mail as well as those on the latest notice list.

Dated October 31, 2012


Paul N. Papas II